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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,006	02/12/2002	Junya Kaku	020174	5121

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EXAMINER	
NGUYEN, LUONG TRUNG	

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/073,006	KAKU, JUNYA	
	Examiner	Art Unit	
	LUONG T. NGUYEN	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2006 and 15 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/07/2006 has been entered.

Election/Restrictions

2. Applicant's election of Species II, Figures 4-5 in the reply filed on 03/09/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Response to Arguments

3. Applicant's arguments filed on 3/15/2006 have been fully considered but they are not persuasive.

In re page 7, Applicant argues that Tsujino et al. fails to disclose or remotely suggest anything about a constitution of the present invention which calculates the specific compression ratio coefficient based on the first still images periodically created until a recording instruction is issued, compresses the second still image created at a time of issuing the recording instruction using the specific compression ratio coefficient.

In response, regarding claim 10, the Examiner considers Tsujino et al. does disclose these features. Tsujino et al. discloses a digital camera (digital camera 10 which has continuous shot mode, Figure 1, Column 6, Lines 12-25) that periodically creates, until a recording instruction is issued, a first still image (preceding image data, Column 8, Lines 21-35) corresponding to an object scene which is incapable of being displayed in real time, and creates, when the recording is issues, a second still image (current shot image data, Column 8, Lines 21-35) corresponding to the object scene so as to record into a recording medium (memory card 50, Figure 1, Column 5, Lines 27-32) in a compressed manner; compresses the second still image created at a time of issuing the recording instruction using the specific compression ratio coefficient (a compression ratio for the current shot image data, which corresponds to the second still image, is calculated based on a size of the preceding compressed image data, the preceding compression ratio and a target size, Column 8, Lines 21-35, Figures 4-5, Steps, 37, 39, Column 7, Lines 45-52).

In re page 7, Applicant argues that Tsujino et al. fails to disclose or remotely suggest anything about a constitution of the present invention which corrects the specific compression ratio coefficient when the compressed second still image does not satisfy a size condition, and records to the recording medium the compressed second still image satisfying the size condition.

In response, the Examiner considers that Tsujino et al. discloses the CPU 46 in step 39 (Figures 4-5) detects a size of n of the compressed image data n and calculates a next-time compression ratio X(n+1), Column 7, Lines 45-52. Tsujino et al., further discloses a compression ratio for the current shot image data is calculated based on a size of the preceding compressed image data, the preceding compression ratio and a target size, Column 8, Lines 30-

35). Note that, since the compressed current shot image data does not satisfy a target size, which read on "a size condition", a compression ratio for the current shot image data is calculated, which means that the compression ratio for the current shot image data is corrected, based on a size of the preceding compressed image data, the preceding compression ratio and a target size. These teaching read on claim limitation "a corrector for correcting the specific compression ratio coefficient when a compressed second still image created by said compressor does not satisfy a size condition including the specific size." Note that, the claim does not define "a size condition," therefore it can be read on "a target size" in Tsujino et al.. In addition, Tsujino et al. discloses recording to the recording medium the compressed second still image satisfying the size condition (record image data into the memory card 50, Figure 6, Column 7, Lines 53-65).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsujino et al. (U. S. Patent No. 6,903,776).

The applied reference has a common Assignee (Sanyo Electric Co., Ltd.) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a

showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 10, Tsujino et al. discloses a digital camera (digital camera 10 which has continuous shot mode, Figure 1, Column 6, Lines 12-25) that periodically creates, until a recording instruction is issued, a first still image (preceding image data, Column 8, Lines 21-35) corresponding to an object scene which is incapable of being displayed in real time, and creates, when the recording is issues, a second still image (current shot image data, Column 8, Lines 21-35) corresponding to the object scene so as to record into a recording medium (memory card 50, Figure 1, Column 5, Lines 27-32) in a compressed manner, comprising:

a calculator for calculating a specific compression ratio coefficient in which the first still image can be compressed up to a specific size (a compression ratio for the current shot image data is calculated based on a size of the preceding compressed image data, the preceding compression ratio and a target size, Column 8, Lines 21-35, Figures 4-5, Steps, 37, 39, Column 7, Lines 45-52);

a compressor for compressing the second still image by use of the specific compression ratio coefficient (a compression ratio for the current shot image data is calculated based on a size of the preceding compressed image data, the preceding compression ratio and a target size, Column 8, Lines 21-35, Figures 4-5, Steps, 37, 39, Column 7, Lines 45-52);

a corrector for correcting the specific compression ratio coefficient when a compressed second still image created by said compressor does not satisfy a size condition including the specific size (a compression ratio for the current shot image data is calculated based on a size of

the preceding compressed image data, the preceding compression ratio and a target size, Column 8, Lines 21-35, Figures 4-5, Steps, 37, 39, Column 7, Lines 45-52);

a recorder for recording the compressed second still image satisfying the size condition into said recording medium (record image data into the memory card 50, Figure 6, Column 7, Lines 53-65), wherein the first still image and the second still image have the same resolution with each other (since the preceding image data and the current shot image data are read out from CCD imager 12 in the same mode, they have the same resolution with each other) .

Regarding claim 11, Tsujino et al. discloses the calculator includes a first still image compressor for compressing the first still image, and a calculation executor for calculating the specific compression ration coefficient on the basis of a compressed first still image created by said first still image compressor (a compression ratio for the current shot image data is calculated based on a size of the preceding compressed image data, the preceding compression ratio and a target size, Column 8, Lines 21-35, Figures 4-5, Steps, 37, 39, Column 7, Lines 45-52).

Regarding claim 12, Tsujino et al. discloses the recorder records a newest compressed second still image into said recording medium when the number of compressing operations directed to the second still image reaches a threshold values (target size, the current shot image data is compressed based on target size, then is recorded into memory card 50, Figure 6, Column 7, Lines 45-65, Column 8, Lines 31-35).

Regarding claim 13, Tsujino et al. discloses a shutter button (shutter button 54, Figure 1, Column 5, Lines 1-14, Column 6, Lines 12-25).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
05/26/06

Luong Nguyen

LUONG T. NGUYEN
PATENT EXAMINER